

# **EXHIBIT 25**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE VIRGINIA K. DEMARCHI

FINJAN, INC., A DELAWARE  
CORPORATION,

PLAINTIFF,

VS.

SONICWALL, INC., A DELAWARE  
CORPORATION,

DEFENDANT.

CASE NO. 17-CV-4467 BLF

SAN JOSE, CALIFORNIA

TUESDAY

OCTOBER 29, 2019

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 10:33 A.M. - 12:00 NOON

**APPEARANCES:**

FOR PLAINTIFF

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FOR DEFENDANT

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BY: JARRAD M. GUNTHER, ESQUIRE

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RETIREED OFFICIAL COURT REPORTER, USDC

1           **MR. GUNTHER:** YES.

2           **THE COURT:** OKAY. ALL RIGHT. THANK YOU FOR THAT.

3           LET ME TURN TO THE PLAINTIFFS AND GET THEIR VIEWS ON  
4           THAT ISSUE. SO WILL IT BE MR. HANNAH?

5           **MR. HANNAH:** YES, YOUR HONOR. MAY IT PLEASE THE  
6           COURT, THANK YOU.

7           **THE COURT:** SO LET ME -- I WOULD LIKE TO GET YOUR  
8           RESPONSE TO THE POINTS THAT HAVE BEEN MADE, BUT I WANT TO START  
9           WITH THE BASIC QUESTION OF THE INFRINGEMENT THEORY.

10           IS THERE AN INFRINGEMENT THEORY THAT FINIGAN HAS THAT  
11           THE GATEWAY PRODUCT AND THE ESA PRODUCT INFRINGE WITHOUT  
12           CONNECTING TO ANY SANDBOX IN THE CLOUD?

13           **MR. HANNAH:** SO IF I CAN -- IF I CAN BACK UP -- BACK  
14           UP A LITTLE BIT?

15           THE WAY THAT THESE PRODUCTS WORK AND WHAT WE'VE  
16           ACCUSED IS WE'VE ACCUSED THE GATEWAY BY ITSELF AS IT'S SOLD,  
17           AND THEN THE ESA BY ITSELF AS IT'S SOLD, AND THEN CAPTURE ATP.  
18           IT'S A SEPARATE PRODUCT. SEPARATE, IT'S SOLD SEPARATELY.

19           THE GATEWAY BY ITSELF INCLUDES CLOUD AV AND GRID.  
20           THAT COMES WITH THE GATEWAY PRODUCT. I DISAGREE WHOLEHEARTEDLY  
21           WITH WHAT COUNSEL JUST SAID THAT WOULD THE GATEWAY PRODUCT WORK  
22           WITHOUT CLOUD AV AND GRID, ABSOLUTELY NOT.

23           (SIMULTANEOUS COLLOQUY.)

24           **THE COURT:** JUST A MINUTE. JUST SO I UNDERSTAND THE  
25           TERMINOLOGY, CLOUD AV AND GRID ARE NOT SAME THING AS CLOUD AV

1           **MR. HANNAH:** RIGHT. SO THAT'S THE CAPTURE -- I'M  
2 SORRY. SO ON THE BOX IS THE CLOUD -- THAT CLOUD AV AND THE  
3 THREAT GRID INFORMATION, GOING FROM GRID TO THE CLOUD -- TO  
4 THAT COMPONENT.

5           THIS BACK AND FORTH WHERE IT SAYS THE FILE VERDICT,  
6 THAT IS WHEN YOU'RE ACTUALLY SENDING A FILE UP TO THE CLOUD,  
7 AND THEN IT, IN TURN, WILL SEND INFORMATION BACK BASED ON  
8 WHATEVER SANDBOXING THAT YOU DO THROUGH CAPTURE ATP.

9           THAT IS A SEPARATE PRODUCT. THAT'S A SEPARATE  
10 SERVICE THAT YOU PAY FOR. THAT'S AN INTERACTION WHERE YOU'RE  
11 CONNECTING TO THE CLOUD IN ORDER TO SEND INFORMATION UP AND GET  
12 INFORMATION BACK. YOU'RE NOT -- WHEN YOU BUY THE GATEWAY, FROM  
13 WHAT I UNDERSTAND BASED ON THE INFORMATION WE HAVE SO FAR, YOU  
14 DON'T GET THAT FUNCTIONALITY. YOU HAVE TO PAY FOR THAT  
15 FUNCTIONALITY WITH CAPTURE ATP.

16           **THE COURT:** SO YOU'RE ACCUSING EVERYTHING EXCEPT THIS  
17 INTERACTION WITH THE SONICWALL CAPTURE CLOUD SERVICE WHEN YOU  
18 SAY "GATEWAY ONLY"?

19           **MR. HANNAH:** GATEWAY OR ESA, CORRECT, BECAUSE THAT'S  
20 THE FUNCTIONALITY YOU GET WHEN YOU BUY THE PRODUCT.

21           **THE COURT:** ALL RIGHT. SO NEXT QUESTION IS --

22           **MR. HANNAH:** YES.

23           **THE COURT:** IF THAT'S THE CASE, WHY DIDN'T YOU ACCUSE  
24 IT IN THE FIRST PLACE?

25           **MR. HANNAH:** I BELIEVE WE DID. THAT'S THROUGHOUT OUR